



DISABILITY AND COMMUNICATION ACCESS BOARD

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STAFF SUMMARY

Docket: **DCAB 2002-14:** Interpretive Opinion on kitchenette sinks and counters located in employee lounges or break rooms which repeals interpretive opinion AAC 1994-22. Are forward approaches required for kitchenette sinks and counters located in employee lounges or break rooms?

Summary: Interpretive Opinion AAC 1994-22 allows a side approach to kitchenette sinks and counters per ADAAG 9.2.2(7) Transient Lodging, as applied to employee lounges or break rooms since there is no scoping on sinks. If there are no applicable scoping requirements, then a reasonable number, but at least one, must be accessible (ADA, Title III, Technical Assistance Manual, page 44), and employee common use areas are not considered work areas and must be constructed or altered in full compliance with ADAAG (Federal Register, Vol. 48, No. 144, Fri., July 26, 1991, Rules and Regulations, page 35577). The proposed ADAAG (Federal Register, Vol. 64, No. 220, Tues., November 16, 1999, page 62279) requires a forward approach to sinks in employee break rooms. The ADAAG Manual, a guide to the Americans with Disabilities Act Accessibility Guidelines, (July 1998, page 91) recommends a side approach to employee break room sinks, with forward approach access or adaptability preferred. The Draft final Americans with Disabilities Act and Architectural Barriers Act Accessibility Guidelines, April 2, 2002, Ch. 8, page 146, proposes that spaces not providing cooktops or conventional ranges not be required to comply with section 804.2, (which require 40-inch or 60-inch spaces between opposing cabinets depending on kitchen configurations); i.e., implying that spaces without cooktops or conventional ranges do not require full knee clearances.

According to the Department of Justice's technical assistance in 1994, kitchenette sinks were allowed a side approach; in 2002, there are no requirements for forward approaches. The Access Board's technical assistance in 1994 gave the opinion that although they are common use areas, if a kitchenette's principle usage is only occasional then side approaches are acceptable, however, adaptability should be considered with removable cabinets. Currently the Access Board's opinion is that if use is not prolonged, then a side approach is acceptable.

Ruling: Members ruled (16 October 2002) to uphold AAC 94-22:

Kitchenette Sinks and Counters located in Employee Lounges or Break Rooms

- a) Kitchenettes in buildings or facilities other than transient lodging, when provided as an accessory to an office area, lounge, or similar rooms, shall be accessible complying with 9.2.2(7).
- b) Side approaches to kitchenette sinks and counters area acceptable. Installation of adaptable base cabinets, with the knee clearances to allow front-in usage is highly recommended.